



Nicholas San Filippo IV

Partner
Co-chair, Business Divorce

New Jersey
T: +1 973.597.2572 | F: +1 973.597.2573
nsanfilippo@lowenstein.com

Nick's practice is focused on strategic transactions, including mergers and acquisitions and complex, one-of-a-kind deals for clients in the chemicals, manufacturing, food, distribution, insurance, automobile, professional services, and plastics industries. Whether he's working on a high-stakes transaction or providing day-to-day support as outside general counsel, clients applaud him for combining the "mind of an entrepreneur with the precision of a lawyer."

Nick is committed to delivering first-rate client service, and his goals are to anticipate client needs and work collaboratively with in-house partners to meet clearly defined business goals. Nick understands that proper counseling requires balancing the correct legal answer with the realities of a client's definition of acceptable business risk, all while respecting the client's deadlines and budget.

He continues to hone his business savvy while developing his skills as a legal advisor. A student of leadership and entrepreneurship, he participates in monthly CEO roundtables and serves on client advisory boards, where he is valued not only for his legal acumen but also for his keen insights into the makings of a successful business.

Nick also knows the value of building strong, authentic relationships. As a result, he regularly connects his clients to other professional service providers, customers, and investors. He works under the premise that connecting quality people with one another enhances the likelihood of success for all involved.

In addition to his transactional work, Nick co-leads the firm's Business Divorce Group, which guides clients through the complexities of co-owner dispute resolution and, if necessary, business separation. He is known for his strategic vision in navigating contentious matters in order to achieve a client's desired result while preserving the underlying business.

As Chair of Lowenstein's Strategic Planning Committee, Nick is also currently spearheading the execution of key aspects of the firm's Strategic Plan. Outside of work, Nick is an avid golfer and enjoys traveling with his family.

Principal areas of focus include:

- Mergers and acquisitions
- Complex business transactions
- Business divorce

EXPERIENCE

Representative Transactional Engagements

- > Represented Radwell International, Inc. in its transaction with Greenbriar Equity Group, L.P. Radwell International stocks and sells new and surplus industrial automation, MRO, pneumatic, motion, electronic, hydraulic, HVAC and electrical control equipment for plant floor and facilities maintenance machinery.
- > Represented Indorama Ventures (BKK:IVL) in its \$2.1 billion acquisition of the specialty chemicals portfolio of Huntsman Corporation USA (NYSE:HUN).
- > Represented PopStroke Holdings LLC, a technology-infused golf-entertainment concept featuring professionally designed putting courses, in its equity investment by and strategic partnership with TGR / Tiger Woods Ventures.
- > Represented Englert, Inc. in its sale to Audax and Gutter Buyer, Inc. Englert Inc. is a franchise based business that manufactures commercial and residential metal roofing and gutter systems.
- > Represented Indorama Ventures Corpus Christi Holdings LLC (subsidiary of Indorama Ventures Public Company Limited) in a joint venture between Indorama Ventures Corpus Christi Holdings LLC, DAK Americas, LLC (a subsidiary of the chemicals manufacturer Alpek S.A.B. de C.V. (BMV: ALFAA)), and APG Polytech USA Holdings, Inc. (a subsidiary of Far Eastern New Century Corporation (TT: 1402)), in the acquisition, through a bankruptcy auction, of a Corpus Christi, Texas-based PTA-PET plant from M&G USA Corp. (a subsidiary of M&G Chemicals), for a purchase price and capital contributions in the sum of \$1.125 billion.
- > Represented Indorama Ventures Public Company Limited (BKK:IVL) as co-counsel with Mattos Filho in its acquisition of M&G Polimeros Brazil S.A., owner of Brazil's largest PET

(polyethylene terephthalate) facility.

- > Represented A.C.E. Restaurant Group, Inc. and seventeen of its entities, the owners of franchised Houlihan's restaurants, in connection with its sale of substantially all of the assets of each entity to Houlihan's Restaurants, Inc., HOP NJ NY, LLC, and their subsidiaries. Houlihan's is an American restaurant and bar, known for its made-from-scratch dishes, with locations operating throughout the country.
- > Represented Foley, Inc., the Caterpillar franchisee for northern New Jersey, Staten Island, and Bermuda, in its acquisition of substantially all assets of Giles & Ransome, Inc., expanding Foley's Caterpillar territory to include eastern Pennsylvania, southern New Jersey, and northern Delaware.
- > Represented Versum Materials (NYSE: VSM) in connection with its acquisition of Dynaloy, LLC, a wholly owned subsidiary of Eastman Chemical Company.
- > Represented the Creamer family in the sale of J. Fletcher Creamer & Son Inc., to APi Group. J. Fletcher Creamer & Son Inc. is a 90-plus-year-old national heavy construction company specializing in, among other things, renewable energy, fiber optic, bridge, highway, runway, and bulk head construction.
- > Represented Indorama Ventures Public Company Limited in its acquisition from BP Amoco Chemical Company of a 1,000-acre manufacturing facility located in Decatur, Alabama, which produces 1 million metric tons of annual purified terephthalic acid (PTA) capacity and 732,000 metric tons of paraxylene (PX) capacity.
- > Represented Indorama Ventures Public Company Limited in its acquisition of the purified terephthalic acid (PTA) facility located in Montreal, Canada, from subsidiaries of CEPSA and Investissement Quebec.
- > Represented Mitchell & Titus, the largest minority-owned accounting firm in the United States, in its departure from the Ernst & Young Global Network.
- > Represented Bai Brands LLC in Dr Pepper Snapple Group's minority investment in Bai Brands based on a \$500 million valuation.
- > Represented Indorama Ventures Public Company Limited and its U.S. operating subsidiaries with the simultaneous negotiation and closing of a \$640 million term loan from a consortium of banks based in Asia and a combined \$360 million working capital facility.
- > Represented Amicus Therapeutics Inc. in its acquisition of Callidus Biopharma, a privately held biologics company.
- > Represented Rockwood Specialties Group Inc. and its subsidiary, Chemetall US Inc., in the acquisition of certain business assets of SaberPack.
- > Represented Indorama Ventures Public Company Limited in its \$420 million acquisition of the polyester and PET resins business of Invista S.a.r.l., in its acquisition of FiberVisions Holdings from Snow Phipps Group, and in its acquisition of Tiepet Inc.
- > Represented Staff Management Group LLC in its sale to Corporate Resource Services Inc. Subsequently represented Staff Management Group LLC in the reacquisition of its business from Corporate Resource Services Inc.

Outside General Counsel Representative Clients

- > Alphapet, Inc.
- > Ampet, Inc.
- > Auriga Polymers, Inc.
- > B. Zaitz & Sons Family Office
- > B. Zaitz & Sons LLC
- > Commonality Real Estate
- > Curexa
- > East River Medical Imaging, P.C.
- > Foley Inc.
- > Global Motor Corp.
- > Indorama Polymers Public Company Limited (US only)
- > Life Tech
- > Momentum USA, Inc.
- > North Elm Capital
- > North Jersey Spine Group
- > Pforp
- > Philip Jeffries Ltd.
- > PopStroke
- > Port Imperial Property Owners Association, Inc.
- > Progressive Products

- > Schraft's 2.0 Fertility Pharmacy
- > Starpet Inc.
- > Stephen Gould
- > Stride Capital Group LP.
- > T & S Brass & Bronze Works
- > Visiting Nurse Association Health Group

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business: (2020-2021)**
Recognized for work in Corporate/M&A
- > **Global M&A Network's Atlas Awards: Cross Border Special Situation M&A – Large Market Deal of the Year (2019)**
Recognized for the successful acquisition of a PTA-PET production facility in Corpus Christi, Texas, from M&G Chemicals by joint venture Corpus Christi Polymers LLC
- > **New Jersey Super Lawyers (2010-2021)**
Recognized for work in Mergers & Acquisitions, Closely Held Business and Business/Corporate
- > **Super Lawyers: Rising Star (2006-2009)**
M&A Rising Star
- > **New Jersey Law Journal: 40 Under 40 (2008)**
- > **The M&A Advisor: THE M&A ADVISOR'S 14th ANNUAL TURNAROUND AWARDS (2019)**
Chapter 11 restructuring of M&G Chemicals named winner of "Cross-Border Restructuring of the Year"
Chapter 11 reorganization of New England Motor Freight (NEMF) named winner of "Restructuring of the Year (\$25M to \$50M)"

NEWS & INSIGHTS

Publications

- > March 2014
"Divorce, Business Style," *Super Lawyers Magazine*
Nicholas San Filippo IV

In the Media

- > March 17, 2021
Nicholas San Filippo IV is interviewed on the **Deep Wealth: The Sell My Business Podcast**, where he discusses proven strategies for achieving successful M&A deals. San Filippo talks about common mistakes business owners make, the impact of the COVID-19 pandemic, and why trust is the currency in mergers and acquisitions. San Filippo also explains why he became an M&A lawyer: "I feel like Superman when I come in and I'm able to help entrepreneurs go from paper wealth to liquid wealth."
- > August 7-9, 2019
Lowenstein Sandler's representation of Thailand's leading global chemical company, Indorama Ventures (IVL), in its \$2.1 billion acquisition of Huntsman's chemicals units was featured in numerous media outlets including *The Wall Street Journal* and *The Deal*, which highlighted **Nicholas San Filippo IV's** role in the transaction and previous work with IVL since 2003. *The Nation Thailand* called the transaction "a game changing acquisition for IVL, its largest ever and one of the biggest by a Thai company in the last decade." The acquisition was also featured **Bloomberg Law – Big Law Business**, *The Deal*, *The Associated Press*, the *Global Legal Chronicle*, *Business Wire*, *citybizlist*, *Bakersfield.com*, *The American Lawyer*, and *Law360*. The Lowenstein Sandler deal team included **Nicholas San Filippo IV, Sam E. Khan, Stuart S. Yusem, Nicholas G. Mehler, Christine Osvald-Mruz, Doreen M. Edelman, Brian Silikovitz, Norman W. Spindel, Mark S. Heinzelmann, Mitchell McDonald, Megan Monson, Sami Najib, Sunita Patel, Alex H. Rosenthal, and Niral T. Shah**. The Valence Group acted as exclusive financial adviser to IVL, and KPMG provided financial due diligence support. (*subscription required to access certain content*) **View Lowenstein's news announcement about this transaction.**
- > March 21, 2018
Reorg Research, *Chemical Engineering*, and *Textile World* highlight Lowenstein as the legal advisor to Indorama Ventures Public Company Limited in its joint venture acquisition of M&G Chemicals's Corpus Christi, Texas-based PTA-PET plant. Lowenstein is also listed as Indorama's legal advisor in its acquisition of M&G Polimeros Brazil S.A., the largest PET facility in Brazil, by *Textile World*, *Plastic News Europe*, and *Plastics in Packaging*. (*subscription required to access Reorg Research article*)
- > February 13, 2018
Construction Business Owner highlights Lowenstein's **representation of Foley, Inc.** in its acquisition of Ransome CAT.
- > May 2014
Nicholas San Filippo participates in *Commerce Magazine's* roundtable discussing M&A legal issues that are unique to family-owned businesses.

SPEAKING ENGAGEMENTS

- > Guest Speaker, **M&A Lawyer And Enterprise Value Creator Nick San Filippo On Proven M&A Strategies For Getting The Best Deal**, Deep Wealth: The Sell My Business Podcast, Podcast, March 17, 2021

EDUCATION

- > St. John's University School of Law (J.D. 1995), cum laude
- > Villanova University (B.S. 1992), Accounting

ADMISSIONS

- > New York
- > New Jersey